

By: Harris

S.B. No. 305

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the impoundment of a motor vehicle on the owner's second
3 or subsequent conviction of operating a motor vehicle without
4 financial responsibility for the vehicle.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 601.261 and 601.267, Transportation
7 Code, are amended to read as follows:

8 Sec. 601.261. IMPOUNDMENT OF MOTOR VEHICLE. On a second or
9 subsequent conviction for an offense under Section 601.191, the
10 court may [~~shall~~] order the sheriff of the county in which the court
11 has jurisdiction or the chief of police of the municipality in which
12 the court is located to impound the motor vehicle operated by the
13 defendant at the time of the offense if the defendant:

14 (1) was an owner of the motor vehicle at the time of
15 the offense; and

16 (2) is an owner on the date of that conviction.

17 Sec. 601.267. RELEASE OF IMPOUNDED MOTOR VEHICLE BY SHERIFF
18 OR POLICE CHIEF. A sheriff or chief of police who impounds a motor
19 vehicle shall release the vehicle:

20 (1) on presentation of an order of release from the
21 court and payment of the fee for the impoundment by the defendant or
22 a person authorized by the owner; or

23 (2) to a person who is shown as a lienholder on the
24 vehicle's certificate of title on presentation of the certificate

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1 of title and an accompanying affidavit from an officer of the
2 lienholder establishing that the debt secured by the vehicle is in
3 default or has matured.

4 SECTION 2. This Act takes effect September 1, 2007.